



NOV 08 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Edward F. Sherer
EXXONMOBIL CHEMICAL COMPANY
P.O. Box 2149
Baytown, TX 77522-2149

In re Application of :
VERDUIJN, Johannes P. *et al* :
Application No.: 09/744,705 :
PCT No.: PCT/GB99/02468 :
Int. Filing Date: 28 July 1999 :
Priority Date: 29 July 1998 :
Attorney Docket No.: 98M035A :
For: CRYSTALLINE MOLECULAR SIEVES :

DECISION

This is a decision on the papers filed 06 August 2001 requesting the United States Patent and Trademark Office accept the declaration signed by the executrix of a deceased co-inventor.

BACKGROUND

On 01 March 2001, a Notification of Missing Requirements and Notification of a Defective Oath or Declaration was mailed indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required.

On 06 August 2001, applicants submitted a declaration signed by five of the six co-inventors and by Jannetje Van Den Berge as executrix of deceased co-inventor, Johannes Verduijn along with a four-month extension and fee.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Applicants have furnished a declaration signed by Jannetje Van Den Berge as executrix of deceased co-inventor, Johannes Verduijn. The citizenship, residence and post office address of the executrix is listed pursuant to 37 CFR 1.497(b)(2). However,

37 CFR 1.497(a)(3) also requires the listing of the citizenship of the deceased co-inventor.

Furthermore, it appears that at least two different declarations were sent out for signature. The declaration signed by the executrix lists four pages ("Page 1 of 4 etc.") on the bottom right-hand portion of the page, while the declaration signed by the other five co-inventors lists only three pages ("Page 1 of 3 etc.").

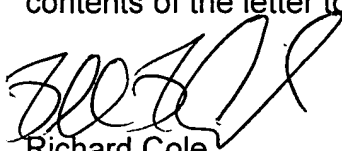
Accordingly, it is not clear if the co-inventors and the executrix were presented with a declaration listing the same inventive entity. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Therefore, the declaration is not acceptable for this reason also.

CONCLUSION

For the reasons noted above, the papers under 37 CFR 1.42 are **DISMISSED** without prejudice.

If reconsideration of this decision is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42". Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.


Richard Cole
PCT Legal Examiner
PCT Legal Office


James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457